

### REMARKS

Claims 1-5, 7-9, 11-13, 15-17 and 19 are pending. Claims 2-5, 7-9, 11-13, 15-17 and 19 have been amended to correct minor informalities, but not to overcome the prior art. No new matter has been presented. Applicant requests entry of the foregoing amendments in this after-final response as they do not raise issues which would require further search and/or consideration.

Claims 5, 7, 11 and 15 were objected to due to minor informalities. These formalities have been corrected and withdrawal of this objection is requested.

Claims 1 is rejected under 35 USC 102(e) as being anticipated by Jinbo, U.S. Patent Publication No. 2002-0054330. This rejection is respectfully traversed.

Claim 1 recites "an identifying unit for identifying a portable terminal located closest to the image forming device out of portable terminals under wirelessly communicable conditions." Applicant respectfully submits that Jinbo fails to teach or suggest this feature.

The Examiner maintains that Jinbo teaches this feature in Fig. 8 (step S404) and at pg. 5, paragraph [0079] and Fig. 11 (step S603) and pg. 6, paragraph [0099].

According to Jinbo, a control portion 203 extracts the ID of the portable terminal 210 and the notice origin ID from the communication data sent from the wireless receiving portion 202 (paragraph [0079]). The ID of the portable terminal 210 extracted by the control portion 203 is compared with the notice destination ID stored in memory and the extracted notice origin ID is also compared with the self-ID of the image forming apparatus 100 (paragraph [0080]). When these two IDs coincide, the control portion analyzes the position signal output from the wireless receiving portion (paragraph [0081]). The control portion then converts the position signal into distance data and sends it to the main control portion 124 (paragraph [0082]).

Although Jinbo discloses determining distance data, it only determines the distance of the portable terminal whose ID coincides with notice destination ID. This may not be the closest terminal. Thus, Jinbo fails to disclose actually identifying a portable terminal located closest to the

image forming device. Determining a distance of one terminal is not the same as identifying the closest terminal. Jinbo fails to teach or suggest the claimed identifying unit. Thus, the features of claim 1 are not taught or suggested by Jinbo. Applicant requests that this rejection be withdrawn.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 325772027600.

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Respectfully submitted,

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